



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,087	04/14/2006	Masaki Ishibashi	1163-0557PUS1	6716
2292 7590 06/30/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER KHATIB, RAMI				
ART UNIT 3663		PAPER NUMBER		
NOTIFICATION DATE 06/30/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/576,087

Applicant(s)

ISHIBASHI ET AL.

Examiner

RAMI KHATIB

Art Unit

3663

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 14-16, 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/29/2010 has been entered.
2. This office action is in response to amendments and arguments received on 04/29/2010. Claims 1-9 have been amended. Claims 10-13 have been cancelled, and Claims 14-22 have been added.

Claims 1-9, and 14-22 are now pending.

Election/Restrictions

3. Applicant's election without traverse of species A1 in the reply filed on 04/15/2009 is acknowledged.
4. Claims 4-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/15/2009.
5. Newly submitted claims **17-18** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 17 and 18 are related to species A3 and A4 which were not elected before

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-18 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Priority

6. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 09/13/2004. It is noted, however, that applicant has not filed a certified copy of the JP 2004-265352 application as required by 35 U.S.C. 119(b).

Claim Objections

7. Claim 6 is objected to because of the following informalities: Applicant claims "an intersection name outputted by the facility name outputting unit", the examiner believes that is a typo and it should be corrected to claim "an intersection name outputted by the intersection name outputting unit". Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 14-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With respect to claim 14, the applicant claims "a connecting road name outputting unit" and "a connecting road selecting unit", the connecting road name outputting unit and the connecting road selecting unit are not supported in the specification neither in the drawings, a connecting road is not necessarily and intersection, but an intersection is a specific example of a connecting road.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 14-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 14, the applicant claims "a connecting road name outputting unit" and "a connecting road selecting unit", it is not clear to the examiner what the applicant intends to mean by a connecting road since a connecting road could mean exit, an entrance, a T shape road, a L shape road, a shortcut etc...

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3663

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3, 6-9, 14-16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al US 2003/0195700 A1 (hence Hamada'700).

14. In re claim 1, Hamada'700 discloses the claimed invention including:

- a map data acquiring unit configured to acquire map data including road data, intersection information, and facility information (Fig.1, #6 and Fig.2, Abstract and Paragraphs 0012, 0013, 0065, and Fig.16)
- a current position detecting unit configured to detect a current position of a car (Fig.1, #2 and Paragraph 0063)
- a route searching unit configured to search for a route to a destination based on the map data acquired by said map data acquiring unit (Fig.1 and "GPS System", Paragraphs 0004, 0027, and claim 11)
- an intersection searching unit configured to search intersections in a vicinity of the current position from among intersections which exist on the route between the current position and the destination (Abstract, Paragraphs 0012, Fig.10 and Paragraph 0013, Fig.3, #S203)
- an intersection name outputting unit configured to output intersection names which identify the intersections searched by said intersection searching unit (Fig.1, #7), in order to allow a user to designate at least one of the intersection names (Paragraph 0012 "a reference intersection selection section")

- an intersection selecting unit for selecting configured to select an intersection by specifying an intersection name designated by the user (Paragraph 0012 "a reference intersection selection section", Fig.1, #1, and Paragraph 0075)
 - a facility searching unit for searching configured to search for facilities which exist in a vicinity of the intersection selected by said intersection selecting unit through the map data acquired by said map data acquiring unit after said intersection selecting unit selects the intersection (Fig.3, #S204 and Paragraph 0083)
 - a facility name outputting unit for outputting configured to output facility names which identify the facilities searched by said facility searching unit (Fig.1, #7, and Paragraph 0068)
15. In re claim 14, Hamada discloses the claimed invention as discussed above where an intersection is treated as a specific type of a connecting road.
16. In re claims 2 and 15, Hamada discloses the claimed invention including:
- said apparatus includes a facility searching condition setting unit configured to set facility searching conditions for specifying facilities which are a target to be searched (Paragraph 0104, and Fig.10), and the facility searching unit searches for facilities which exist in a vicinity of the intersection selected by the intersection selecting unit from the map data acquired by said map data acquiring unit according to the facility searching conditions set by said facility searching condition setting unit (Fig.10, and Abstract, Lines 8-11)
17. In re claims 3 and 16, Hamada discloses the claimed invention including:

- wherein the facility searching conditions set by the searching condition setting unit include a distance from the intersection selected by the intersection selecting unit or a traveling time required to travel from the intersection (Paragraph 0018)
18. In re claims 6 and 19, Hamada discloses the claimed invention including:
- wherein the intersection selecting unit and the facility selecting unit are provided with a key, a remote controller, a touch panel, or a voice recognition device for specifying an intersection name outputted by the intersection name outputting unit and a facility name outputted by the facility name outputting unit (Paragraph 0062, and 0068)
19. In re claims 7 and 20, Hamada discloses the claimed invention including:
- said apparatus has an intersection searching condition setting unit configured to set intersection search conditions for specifying intersections which are a target to be searched, and the intersection searching unit searches for intersections in a vicinity of the current position from among intersections which exists on the route between the current position and the destination according to the intersection searching conditions set by said intersection searching condition setting unit (Paragraph 0015)
20. In re claims 8 and 21, Hamada discloses the claimed invention including:
- said apparatus includes an angle sensor configured to detect a traveling direction of the car (Fig.1, #2, and Paragraph 0063), and an expected-route-to-be-followed determining unit configured to determine an expected route to

- be followed by the car in case that the destination is not designated, based on the traveling direction detected by said angle sensor and the map data acquired by the map data acquiring unit, and the intersection searching unit searches for intersections in a vicinity of the current position through intersections which exist on the expected route to be followed determined by said expected-route-to-be-followed determining unit when no route is searched for by the route searching unit (Paragraph 0026-0031, 0071, Fig.13)
21. In re claims 9 and 22, Hamada discloses the claimed invention including:
- a facility selecting unit configured to select a facility by specifying a facility name outputted by said facility name outputting unit; and a facility information outputting unit configured to extract facility information about the facility selected by said facility selecting unit from the map data acquired by said map data acquiring unit, and for outputting the facility information (Paragraph 0073, Fig.10 and Paragraph 0104)

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMI KHATIB whose telephone number is (571)270-1165. The examiner can normally be reached on Monday-Friday/8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571) 272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K./
Examiner, Art Unit 3663

/JACK KEITH/
Supervisory Patent Examiner, Art Unit 3663